

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA
Plaintiff

VS

ANTOINE LEE
Defendant

CASE NO: CR 1-01-066
CR 1-03-144

(Judge S. Beckwith)

DEFENDANTS MOTION REQUESTING
THE SENTENCING COURT TO
FOLLOW THE APPLICABLE
STATUTORY SENTENCING
GUIDELINES ACCORDING TO
the LAW

Now Comes the defendant Antoine Lee in proors
to hereby respectfully moves this honorable district
court for an order on sentencing/sanctioning the
defendant for a supervised release violation, to
follow the statutory sentencing guidelines according
to the defendant being a class C violator under
a criminal History category, 5, 7 to 13 months and
not over sentence the defendant to 24 months,
11 months over the statutory required guideline as
the U.S Attorney and U.S probation are recommending.

Respectfully submitted

ANTOINE LEE (Pro'se)

212 BARKES Rd.

Williamstown, KY 41097

FILED
JAMES BONINI
CLERK

05 DEC - 9 PM 12:09

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WEST DIV. CINCINNATI

DEFENDANTS MEMORANDUM IN SUPPORT

The defendant Antoine Lee hereby respectfully addresses this District Court seeking to Safeguard his Constitutional Rights under due process of law and Equal protection of the law under the 5th, 6th and 14th Amendments of the U.S. Constitution, to be free from excessive and over punishment.

The defendant stands before this Honorable District Court by way of the U.S. probation Department charging the Defendant with a violation of the terms of his Supervised release.

MR. Frammeyer brings fourth various alleged violations the most serious is a minor misdemeanor conviction for Falsefication which the defendant recieved only a 10 day jail Sentence.

Potentially the worse violation charge is an alleged Domestic Violence accusation which the defendant strongly contends and denies and is absolutely confident that the domestic violence charge will be dismissed at trial because there is no physical evidence of a domestic violence and its the Defendants sister word against his

The domestic Violence charge as it stands is a false charge allegation. There are no bruises on CURTISHA LEE that were caused by the defendant as MR FROMMEYER alleges.

The facts show yes it's true that there was in fact a temporary Restraining order against him prohibiting him from coming into any contact with his sister the alleged victim of a domestic violence charge. But as a matter of standard procedure a temporary restraining order is always put into place only to insure a separation of the victim from accused until final resolution of the charge.

However the defendant did in fact inform MR FROMMEYER of his change of address and charge at which time MR FROMMEYER did proceed to send the Cincinnati police to the defendant's sister's house in order to arrest the defendant without a warrant as the defendant's sister CHRISTINA JONES will corroborate in open court testimony so MR FROMMEYER knew the whereabouts of the defendant.

The truth as it stands in regards to certain allegations in this case the defendant can strongly contest in open court due to insufficient evidence.

The defendant admits to some but not all of the violations

LAW AND ARGUMENT

In this case the defendant seeks to not be deprived of his constitutional rights of due process and equal under the 5th, 6th & 14th amendments of the U.S. Constitution. By requesting law which specifically classifies the defendant as class C violator under a criminal history category, 5, which provides that the defendant's sentence fall within the guideline range of 7 to 13 months maximum according to the United States Sentencing Guidelines.

The Sentencing Court for good Cause May depart upward outside the Sentencing guideline based on Sufficient cause and evidence IN any case where the Court Finds good Cause and decides to Sentence a defendant over the maximum 7 to 13 month range then the Court must give Findings of fact and Conclusion of law on why it would serve the better means of justice to impose an exceptional sentence over the applicable statutory Sentencing range

So the sentence in this case should be 7 to 13 months by law and any sentence exceeding this range would amount to an abuse of discretion by this court therefor depriving the defendant of his 5th, 6th and 14th Amedment Rights under the U.S Constitution

(A) The defender request that this Honorable court would not go outside the applicable 7 to 13 month sentencing Range if this Court decides that prison time is Necessary And Not impose 24 months AS the U.S is recommending

(B) The defendant requests that all records & evidence be present in court to support the U.S. Probation Department Findings of each alleged violation.

(C) The defendant requests that this court would not impose prison time if it does so finds that defendant supervised release be revoked and restore the defendant back to a new term of supervised release.

Respectfully, Submitte
Antoine Lee

Antoine Lee (Pro'se)
212 Barnes Road
Williamstown Ky 41097

PROOF OF SERVICE

I Antoine Lee the defendant in pro'se respectfully serves a true and accurate copy of the attached Motion Requesting the Sentencing guideline be followed according to the law, was hand delivered by VIA U.S. Postage to the U.S. Clerk of Courts on this 6 day of December 2005.

Antoine S Lee
Antione Lee (pro'se)
212 Barnes Road
Williamstown Ky 41097